

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION

ALFREDO PRADO AND JESSICA PRADO

VS.

CIVIL ACTION NO. 4:10CV97-P-S

LEFLORE COUNTY AND DEPUTY RICHARD  
CHIP ROBERTS, IN HIS OFFICIAL CAPACITY

**REPORT AND RECOMMENDATION**

The court takes up, *sua sponte*, the dismissal of this case. This case was removed to this court from Leflore County court on July 30, 2010 (# 1). On February 18, 2011, counsel for the plaintiffs was allowed to withdraw and the plaintiffs were instructed by the court that they had thirty (30) days to notify the court of their intent to obtain new counsel or proceed pro se (# 18). The plaintiffs never responded to this order and on July 28, 2011, the court issued a Show Cause Order (# 20) which required the plaintiffs, on or before August 15, 2011, to show why this case should not be dismissed for failure to prosecute. On September 9, 2011, plaintiffs failed to appear for a Final Pretrial Conference and have failed to submit any information for completion of a Final Pre Trial Order. Because of the foregoing, including plaintiffs' failure to appear for the Final Pretrial Conference and their failure to timely respond to the Show Cause Order, it is recommended that the complaint be dismissed without prejudice as against all defendants.

The parties are referred to Local Rule 72.2(D) for the applicable procedure in the event any party desires to file objections to the findings and recommendations herein contained. The parties are warned that any such objections are required to be in writing and must be filed within fourteen days of this date. Failure to timely file written objections to the proposed findings, conclusions and recommendations contained in this report will bar an aggrieved party, except

upon grounds of plain error, from attacking on appeal unobjected-to proposed factual findings and legal conclusions accepted by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415 (5th Cir. 1996).

SO ORDERED, this the 9<sup>th</sup> day of September, 2011.

/s/ Jane M. Virden  
UNITED STATES MAGISTRATE JUDGE